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March 3, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: GN Docket Nos. 09-29, 09-47, 09-51; RM-11358
Ex Parte Notice

Dear Ms. Dortch:

On Tuesday, March 2, 2010, I spoke by telephone with Paul de Sa of the Federal Communications Commission's Office of Strategic Planning on behalf of XO Communications, LLC ("XO"). During the course of the conversation, I emphasized that many issues raised in the Commission's National Broadband Plan regarding the use of copper loops to deliver broadband services were matters that should be addressed on the record in the formal rulemaking proceeding XO and others have urged the Commission to commence,¹ including the proper approach for defining copper "retirement" events that should be subject to formal case-by-case Commission review and the technical and financial issues associated with the use of embedded copper loop plant by competitive providers to offer broadband services. I also noted that incumbent LECs currently build and operate copper and fiber networks side-by-side.

¹ As XO previously has explained, incumbent local exchange carriers' ("LECs") premature retirement of copper plant represents a major obstacle to increased broadband access throughout the United States. To remedy this issue, XO and other competitive LECs in 2007 petitioned the Commission to initiate a formal rulemaking proceeding to amend the Part 51 rules applicable to retirement of copper loops and copper subloops by the incumbent LECs. Petition for Rulemaking to Amend Certain Part 51 Rules Applicable to Incumbent LEC Retirement of Copper Loops and Copper Subloops, XO Communications, LLC; Covad Communications Group, Inc.; NuVox Communications; and Eschelon Telecom, Inc., RM-11358 (Jan. 18, 2007) ("Copper Retirement Petition").

Pursuant to section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings.

Respectfully submitted,

/s/ A. Richard Metzger, Jr.
A. Richard Metzger, Jr.

cc: Paul de Sa